

FILED  
CLERKS OFFICE

UNITED STATES DISTRICT COURT  
District of Massachusetts 2005 FEB -7 P 2:36

JOSEPH P. SCHMITT, PRO SE., )  
PLAINTIFF, )  
vs. )  
JEFFREY SMITH, ET AL., )  
DEFENDANTS. )

U.S. DISTRICT COURT  
DISTRICT OF MASS  
CIVIL ACTION NO. 10451-RWZ

PLAINTIFF'S MOTION FOR COURT TO IMPOSE  
SANCTIONS ON DEFENDANTS COUNSEL  
FOR PURJURY

Now comes the pro se plaintiff, Joseph P. Schmitt, and moves this Honorable Court to impose sanctions on defendants counsel, Philip W. Silva for his deliberate and intentional perjury to this Court in his motion entitled "OPPOSITION TO PLAINTIFF'S MOTION FOR DEFENDANTS TO PRODUCE A TRUE COPY OF SUFFOLK SUPERIOR COURT CIVIL ACTION NUMBER SUCV2002-02562 BY DEFENDANT MASSACHUSETTS DEPARTMENT OF CORRECTION."

As grounds for this motion Plaintiff states the following:

1. Counsel for defendants clearly indicates in his motion that the cost for the documents Plaintiff seeks will burden the Department of Correction with the cost of \$6,425.00 for copying. See paragraph 2 of defendants indicated motion. Copy of motion is attached.
2. Counsel for defendants further indicate that the material sought by this plaintiff may include sexually explicit material. See paragraph 3 of defendants indicated motion. In the very same paragraph the defendants counsel indicates a clear willingness to produce said

misrepresentation of the truth.

5. All attorneys of the Commonwealth are governed by a code of professional conduct. Any attorney of the Commonwealth who provide knowingly false statements to any court is in violation of this code of professional conduct and must be penalized by the court just as any layman defendant/plaintiff would suffer for the same violations against the court.

6. Philip W. Silva also alleges that the requested document has no apparent relationship to the underlying cases before this Court. See counsel's forementioned motion, paragraph 2. However, in the very same motion, paragraph 3, counsel clearly states his willingness and ability to provide the requested documents for in camera inspection at the appropriate time. This clearly means that said counsel knows what the contents of the requested documents is and in knowing so has once again provided less than truthful testimony to this Court. The Court can easily determine that the requested copy of the Suffolk Superior Civil Court Action has a clear and unmistakable relationship to the underlying cases before this Court.

7. Plaintiff has the absolute right to expect this Honorable Court to hold the defendants liable for their actions insofar as filing misleading allegations and/or blatant misrepresentations of the facts such as the ones filed by counsel Philip W. Silva in the forementioned motion. Equal justice goes for all parties. If Plaintiff knowingly files false allegations and/or misrepresents the facts to this Court the Court could sanction him and possibly dismiss his case.

WHEREFORE, Plaintiff respectfully strongly requests this Honorable Court IMPOSE SANCTIONS ON Philip W. Silva, counsel for defendants, due to the blatant and knowing misrepresentations of facts to this Court in his motion noted in the introduction of this motion.

Dated: January 26, 2005

Respectfully Submitted,

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Joseph P. Schmitt, pro se  
MA. Treatment Center  
30 Administration Road  
Bridgewater, Massachusetts  
02324-3230

**CERTIFICATE OF SERVICE**

I, Joseph P. Schmitt, the above noted pro se plaintiff hereby certify that a true copy of this above documents were served upon Philip W. Silva, counsel for the defendants, by pre paid first class mail/or institutional mail service on January 26, 2005.

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Joseph P. Schmitt, pro se

**ATTACHMENTS FOR MOTION:**

1. letter dated 1/14/2005 to Suffolk Superior Civil Court Clerks office, 1 Page.
2. defendants motion "OPPOSITION TO PLAINTIFF'S MOTION FOR COURT ORDER TO DEFENDANTS TO PRODUCE A TRUE COPY OF SUFFOLK SUPERIOR COURT CIVIL ACTION NUMBER SUCV2002-02562 BY DEFENDANT MASSACHUSETTS DEPARTMENT OF CORRECTION. 3 Pages.
3. Suffolk Superior Civil Court Civil Action Number SUCV2002-0256 Schmitt vs Smith. 80 Pages.